RESOLUTION (EU) 2021/1685 OF THE EUROPEAN PARLIAMENT

of 29 April 2021

on discharge in respect of the implementation of the budget of the European Union agencies for the financial year 2019: performance, financial management and control

THE EUROPEAN PARLIAMENT,

— having regard to its decisions on discharge in respect of the implementation of the budget of the European Union agencies for the financial year 2019,

— having regard to the Commission's report on the follow-up to the discharge for the 2018 financial year (COM(2020) 0311),

— having regard to the Court of Auditors' annual report on EU agencies for the financial year 2019, together with the agencies' replies ([1]),

— having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 ([2]), and in particular Articles 68 and 70 thereof,

— having regard to Articles 32 and 47 of Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ([3]),

— having regard to Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ([4]), and in particular Article 105 thereof,

— having regard to Rule 100 of and Annex V to its Rules of Procedure,

— having regard to the opinions of the Committee on Employment and Social Affairs and the Committee on Civil Liberties, Justice and Home Affairs,

— having regard to the report of the Committee on Budgetary Control (A9-0100/2021),

A. whereas this resolution contains, for each body within the meaning of Article 70 of Regulation (EU, Euratom) 2018/1046, cross-cutting observations accompanying the discharge decisions in accordance with Article 262 of Regulation (EU, Euratom) 2018/1046 and Article 3 of Annex V to Parliament's Rules of Procedure;

B. whereas this resolution also contains, for the Euratom Supply Agency, cross-cutting observations accompanying the discharge decision in accordance with Article 262 of Regulation (EU, Euratom) 2018/1046 and Article 3 of Annex V to Parliament's Rules of Procedure;

C. Whereas Union agencies should focus on missions with clear European added value and the organisation of such missions should be optimised to avoid overlaps in the best interests of the Union taxpayer;

1. Welcomes the progress made by the agencies in their efforts to respond to the requests and recommendations expressed within the previous annual discharge procedure;

2. Emphasises that the agencies have significant influence on policy- and decision-making, and programme preparation and implementation in areas of vital importance to Union citizens' daily lives, such as health, safety, security, freedom and justice; reiterates the importance of agencies in addressing specific policy needs and in reinforcing European cooperation; notes that the agencies can also act as frontrunners in solving crisis situations or long-term societal challenges;

([1]) OJ C 351, 21.10.2020, p. 7. ECA annual report on EU agencies for the 2019 financial year: https://www.eca.europa.eu/Lists/ECADocuments/AGENCIES_2019/agencies_2019_EN.pdf.
([2]) OJ L 193, 30.7.2018, p. 1.
([3]) OJ L 328, 7.12.2013, p. 42.
([4]) OJ L 122, 10.5.2019, p. 1.

3. Notes with satisfaction that, according to the annual report of the Court of Auditors (the 'Court') on Union agencies for the financial year 2019 (the 'Court's report'), the Court issued an unqualified audit opinion on the reliability of the accounts of all agencies; notes in addition that the Court issued an unqualified opinion on the legality and regularity of the revenue underlying the accounts for all agencies; observes that the Court issued an unqualified opinion on the legality and regularity of the payments underlying the accounts for all agencies, except for the European Union Agency for the Cooperation of Energy Regulators (ACER) and the European Asylum Support Office (EASO) for each of which a qualified opinion was issued;

4. Notes that for the 32 decentralised Union agencies, the cumulative total for the 2019 budgets amounted to around EUR 2 854 000 000 in commitment appropriations, representing an increase of approximately 10,29 % compared to 2018, and to EUR 2 570 000 000 in payment appropriations, an increase of 8,88 % in comparison to 2018; notes moreover that of the EUR 2 570 000 000 in payment appropriations, some EUR 1 920 000 000 were financed from the general budget of the Union, representing 74,75 % of the agencies' total financing in 2019 (compared to 72,16 % in 2018); acknowledges furthermore that some EUR 649 000 000 were financed by fees and charges and by direct contributions from participating countries (a decrease of 1,22 % compared to 2018);

Main risks and recommendations identified by the Court

5. Notes that, according to its report, the Court considers the overall risk to the reliability of agencies' accounts, based on international accounting standards, to be low, as was the case in 2018;

6. Notes that, according to its report, the Court considers the overall risk to the legality and regularity of revenue underlying the agencies' accounts to be low for most agencies, and to be medium for the partly self-financed agencies where specific regulations are applicable to collection of fees and other revenue contributions, as was the case in 2018;

7. Notes that the Court considers the risk to the legality and regularity of payments underlying the agencies' accounts overall to be medium, varying from low to high for specific budget titles; notes that the risk for Title I (Staff Expenditure) is generally low, for Title II (Administrative Expenditure) the risk is considered to be medium, and for Title III (Operational Expenditure) the risk is considered to be low to high, depending on the agency in question and the nature of its operational expenditure; points out that high risks usually derive from procurement and grant payments that involve large amounts; notes the Court has found that while controls as regards grants have generally improved, they are not always fully effective;

8. Notes the main areas of observation of the Court, which focus on:

   — public procurement management which remains the most error prone area;

   — recruitment procedures and conflicts of interests for staff leaving a Union Agency and joining the private sector, which need to be managed better by agencies;

   — budgetary management where the Court identified several weaknesses;

9. Welcomes the fact that the Court has declared that in most cases agencies have taken corrective actions to address previous years' audit observations and calls on the JHA agencies to continue their efforts to follow up on the Court's observations;

Budget and financial management

10. Regrets that the level of detail provided in the budgetary implementation reports of a minority of agencies differs from that of the majority, which demonstrates the need for clearer and standardised guidelines on agencies' budget reporting, including the need for agencies to explain significant deviations from the original budget or establishment plans; highlights the urgent need for all agencies to improve their planning capacities; deplores the reply of the Commission to the request to automatically provide the discharge authority with the official budget (in commitment appropriations and in payment appropriations) and staff figures (establishment plan figures with permanent staff, temporary agents, contract agents and seconded national experts as of 31 December of the year in question) in respect of the 32 decentralised agencies, as the mentioned guidelines (which in reality are templates that mostly provide guidance on form rather than substance) are not sufficient to address the differences in calculations between the reports; reiterates its request to the Commission to provide the discharge authority with the official budget and staff figures for each agency and to provide consolidated figures for the decentralised agencies that are subject to the Parliament's discharge procedure;

11. Considers that greater attention should be paid to relevance and coherence, particularly in the context of overlapping areas of competence, when setting up future agencies;

12. Believes that resources should be allocated more flexibly based on need or urgency;

13. Highlights the fact that transparency and citizens' awareness of the existence of the Union agencies are essential for their democratic accountability; considers that the usability and ease of use of agencies' resources and data are of paramount importance; calls therefore for an assessment of how data and resources are currently presented and made available and of the degree to which citizens find them easy to identify, recognise and use;

14. Expresses its concern over the very high level of carry-overs in some agencies, which could indicate various weaknesses, including weak budgetary planning, which is in contradiction to the budgetary principle of annuality;

Performance

15. Welcomes the Commission's acceptance of last year's discharge recommendation to further develop and implement the principle of performance-based budgeting, and the improvements made to the Single Programming Document and the Consolidated Annual Activity Reports as a result;

16. Welcomes the Court's publication of the first ever horizontal performance audit on all Union agencies entitled - 'Special Report 22/2020: Future of EU Agencies - Potential for more flexibility and cooperation' ([5]);

17. Notes the main observations of the Court, in particular the fact that agencies deal with topical societal subjects and have a high potential for future development as well as an high grade of expertise;

18. Agrees with the Court that despite the fact that agencies carry out important tasks in all spheres of our daily life, there is clear difficulty in building trust with individual citizens; in this regards highlights the issue of accountability, transparency and even effectiveness, in addition to a lack of public awareness since agencies remain largely unknown to citizens and only negative incidents appear in media;

19. Appreciates and further encourages ever closer cooperation among the agencies in the area of employment, social affairs and inclusion in order to improve synergies, ensure further complementarity and the sharing of resources; stresses the importance and added value of each agency in their field of expertise and their autonomy; acknowledges that the four agencies have held joint meetings specifically to align their performance indicator methodologies as a follow-up to the Commission's recommendation received in 2019 based on the 2017 four-agency evaluation (recommendation 5 of SWD(2019)0159);

20. Highlights the conclusion of the Court's Special Report 'Future of EU Agencies' that information on the performance of Union agencies is scarce; urges agencies to strengthen performance accountability; expects all Union agencies to cooperate as optimally as possible with the Commission and the Court in the provision of performance information;

21. Notes the Court's finding in its report 'Future of EU Agencies' that agencies measure performance through key performance indicators (KPIs) and that the Commission in 2015 issued guidelines for directors of agencies on KPIs; notes with regret that the indicators used in practice mainly relate to the implementation of an agency's annual work programme, budget and human resources management, and that they do not usually allow for an Agency's overall performance assessment of results or of the agency's efficiency and effectiveness in discharging its mandate; calls on the agencies to work together to improve the use of KPIs with the aim of ensuring a stronger focus on performance in the discharge procedure, in addition to compliance; calls on the agencies to continue developing indicators, which will measure their contribution to the policy implementation of Union policies; urges the agencies to regularly review and update those indicators; calls on the Commission to adopt a centralised set of guidelines on reporting and the setting of KPIs to ensure proper measurement of the agencies' performance;

22. Notes that the Court, while trying to identify the conditions necessary to allow agencies to achieve their objectives, highlights the need for more financial and policy flexibility as well as a more structural and coherent governance model where performance information focus on outputs rather than on their contribution to policy implementation;

([5]) OJ C 358, 26.10.2020, p. 6.

23. Recalls that the Common Approach states that every Union Agency should be evaluated every five years and that the Commission should be responsible for organising evaluation and for every second evaluation the sunset clause should be applied; notes with regret that the founding regulations of several agencies have not yet been aligned with the Common Approach; notes the Court's finding in its report 'Future of EU Agencies' that the founding regulations of 13 agencies were recast between 2015 and 2019, but only five proposals were accompanied by an impact assessment; calls on the Commission to regularly conduct an independent evaluation of the performance of the agencies;

24. Believes that clear rules should be put in place concerning the evolution and termination of agencies' missions;

25. Believes that an impact assessment should be carried out for each agency and that a review clause on the justification of the assigned objectives of the agency should be added systematically;

26. Insists on better avoiding overlapping subjects and areas of competence between the different agencies;

27. Welcomes the cooperation within the JHA Agencies Network; calls on the agencies to continue to develop synergies, increase cooperation and exchange best practice between them with a view to improving efficiency;

28. Calls on the agencies to continue to develop their synergies, increase cooperation and exchange of best practice with other Union agencies with a view to improve efficiency (human resources, building management, IT services and security);

29. Believes that it is necessary to strengthen the role of the agencies as centres of expertise and networking;

30. Welcomes the creation of a shared services task force by the EU Agencies Network ('the Network') and the development of a strategic proposal 'Shared services and Capabilities 2.0' to encourage and support cooperation between agencies; recommends that the recommendations of the Court in its report 'Future of EU Agencies' as regards flexible use of resources (recommendations 1 and 2) and agencies as centres for sharing expertise and networking (recommendation 4) be integrated in this exercise);

31. Points to the positive example given by ECDC as regards cooperation with other Union agencies, including through the Network; encourages the agencies to cooperate and exchange best practice where possible, including e.g. on teleworking;

32. Recalls the importance of increasing the digitalisation of the agencies in terms of internal operation and management but also in order to speed up the digitalisation of procedures; stresses the need for the Agency to continue to be proactive in this regard in order to avoid a digital gap between the agencies at all costs; draws attention, however, to the need to take all the necessary security measures to avoid any risk to the online security of the information processed;

33. Recalls that the yearly exchange of views regarding the annual work programmes and the multiannual strategies of the agencies in the committees responsible is instrumental in ensuring that the programmes and strategies are aligned to the actual political priorities, especially in the context of the implementation of the principles enshrined in the European Pillar of Social Rights; recalls that the agencies are the most qualified at assessing the use of resources and play a crucial role in supporting the right sustainable projects in line with the European Green Deal; calls on the Commission to ensure funding to support the Union agencies in securing social dialogue; notes that the Union agencies play a crucial role in securing social dialogue with Union institutions;

Staff policy

34. Notes that the 32 decentralised agencies employed a total of 7 880 members of staff, comprising officials, temporary agents, contract agents and seconded national experts, in 2019 (compared to 7 626 in 2018), representing a significant increase of 3,33 % compared with the previous year;

35. Welcomes the more detailed and structured information provided on gender balance in the agencies;

36. Expresses its concern that in the vast majority of agencies there is a lack of gender balance among staff in the overall management; notes that in 2019, at the level of senior management, an even gender balance was reported by three agencies, a good balance was achieved by ten agencies, but that there was no gender balance in 16 agencies (four of them featured male-only representation and one of them only female representation); deplores the fact that gender equality is completely absent in the 2021-2027 Strategy for the Network; calls on the agencies and the Network to integrate gender equality in their strategies and to align the ambition of agencies with the aim of the Commission to reach a gender balance of 50 % at all levels of its management by the end of 2024;

37. Notes further that in terms of gender balance in management boards in 2019, there was no agency with an even gender balance, a good balance existed in seven agencies, and there was no gender balance in 14 management boards; asks the Member States and the relevant organisations that participate in management boards to take into account the importance of ensuring gender balance when nominating their members to an Agency's management board;

38. Notes further that, as regards overall staff, eight agencies have an even gender balance, 19 agencies have a good gender balance and three agencies have no gender balance; calls on the agencies to continue to strive for a good gender balance in the future;

39. Notes with concern that in 2019 only 34 % of members of the highest decision-making bodies of all Union agencies were women and recalls that gender balance must be ensured within the Union agencies in accordance with the basic regulations establishing them; asks, therefore, that the Union agencies collect and present data on gender balance for all categories of management staff (from the lowest to the highest level) to gather the basic data on which the Union agencies are encouraged to address gender imbalance in management and to pursue gender mainstreaming in all fields;

40. Notes that the geographical balance of staff of Union agencies follows the population of the Member States as a percentage of the EU27 slightly more closely than the geographical balance of staff of the Commission; notes an under-representation for eight Member States, an over-representation for seventeen Member States and an approximate balance for two Member States; regrets the lack of policies across agencies to improve diversity among its staff; calls on agencies, as well as the Network, to put forward plans to achieve this goal;

41. Notes that the agencies reported an average of 8,42 days of sick leave per member of staff per year; regrets that there is at present no reliable data available to give an overview of sick leave caused by burnout, mainly because several agencies reported that they could not provide the relevant information due to medical confidentiality;

42. Notes that, at the request of the discharge authority, the agencies reported the number of staff cuts they had made from 2013 to 2019 and whether reductions in permanent and temporary staff were compensated for by hiring more contract agents and external staff; notes that the agencies reported a total of 447 staff cuts in the requested period; notes that the agencies also reported that 266 posts for temporary agents were added in the same period, resulting in a net reduction of 181 posts; further notes that the establishment plans of all agencies over the same time period showed a reduction of 32 posts for permanent staff and the creation of 845 posts for temporary agents, resulting in a net creation of 813 posts;

43. Underlines the important effect of turnover within the staff of the Union agencies, calls for the implementation of human and social policies to remedy it;

44. Notes with regret that some of the agencies are facing the challenge of insufficient staff, especially when new tasks are allocated without matching personnel for their implementation, and that the discharge authority is particularly concerned about the difficulties that some agencies experience in hiring qualified staff at specific grades, a fact which hinders the overall performance of the agencies and necessitates the employment of external actors; notes in this regard recommendations 1 and 2 of the Court in its report 'Future of EU Agencies' as regards the increased need for flexibility, and encourages the Network and the Commission to work together on the implementation of these recommendations; notes further in this regard that the Court's Special Report on the European Personnel Selection Office (EPSO) (Special Report 23/2020) highlights the fact that the current selection process necessitates a search for more flexible selection procedures by Union institutions to fulfil their immediate recruitment needs; emphasises the Union institutions' need for more specialised personnel, which in the case of agencies is essential given their specific mandates; calls on the Commission, and in particular on EPSO, to better assist the agencies in this regard and to adapt its recruitment policies in a way that would attract the best qualified and more specialised staff; asks the Commission and EPSO to show a degree of flexibility in adapting the job offers to the particular conditions, to ensure efficient recruitment; highlights the importance of improving Union's selection procedures and job attractiveness; stresses that understaffing of agencies poses a serious risk of negative impact on performance, as well as on staff wellbeing and turnover;

45. Notes that the agencies reported a total of six former Members of European Parliament (MEPs), former Commissioners or former high-level officials that performed paid duties for an agency and that it concerned four former MEPs, one former Commissioner and one former high-level official; notes that these persons received indemnities and reimbursements for costs made;

46. Stresses the importance of a staff well-being policy; stresses that agencies should provide for decent, high quality working conditions for all staff;

47. Encourages the agencies to pursue the development of a long term Human Resources policy framework which addresses work-life balance, lifelong guidance and career development, gender balance, teleworking, geographical balance and the recruitment and integration of people with disabilities;

48. Regrets the fact that some Member States have requested and succeeded in having an agency on their territory, without providing facilities for their installation and without taking measures to increase the attractiveness of staff recruitment;

49. Is concerned about the size of some agency boards of directors which have been deemed too large by the Court and which therefore make it difficult to take decisions and which generate considerable administrative costs;

50. Notes that the Court identified weaknesses in agencies' recruitment procedures concerning the management of potential conflicts of interests (one agency), the application of the principle of equal treatment or transparency (three agencies), and keeping a proper audit trail of the procedure (one agency); deplores that there were cases (in at least three agencies) of panel members in significant conflict of interest with relation to the ongoing selection procedure; stresses that undeclared conflicts of interests can hinder selection procedures, causing substantial delays and loss of funds, as well as reputational damages to the agencies;

51. Notes that the Ombudsman found two instances of maladministration in case 2168/2019/KR on the European Banking Authority's decision to approve the request from its executive director to become CEO of a financial lobby group; welcomes the recommendations made by the Ombudsman in this case, notably to invoke the option of forbidding its senior staff from taking up certain positions after the end of their term of office where necessary, to set out criteria for when it will forbid such moves in the future and to put in place internal procedures to cut access to confidential information with immediate effect in case members of staff move to other employment; calls on all agencies to implement these recommendations as a matter of priority;

52. Expresses concern at the fact that some agencies relied strongly and over extended periods of time on interim workers; deplores the fact that in some cases the interim workers were paid less than agency staff employed in the same position; notes with concern that there were compliance issues identified in procurement and in the signature of contracts and framework agreements with recruitment of interim workers; calls on the agencies to diligently comply with the rules of procedure; reiterates calls to improve planning measures and selection procedures across the agencies;

53. Recognises the steps taken towards establishing a harassment-free environment taken by the agencies, such as the additional training for the staff and the management as well as the introduction of the confidential counsellors; encourages the agencies which have not yet introduced such steps to do so and encourages agencies which have received harassment related complains to treat these as a priority;

54. Encourages the Union agencies to consider adopting a fundamental rights strategy, including a reference to fundamental rights in a code of conduct that could define the duties of their staff and training for staff; setting up mechanisms for ensuring that any violation of fundamental rights be detected and reported, and that risks of such violations be swiftly brought to the attention of the main bodies of the agency concerned; establishing, whenever relevant, the position of a fundamental rights officer, reporting directly to the management board to ensure a certain degree of independence vis-à-vis other staff, in order to ensure that threats to fundamental rights are immediately addressed, and that a constant upgrading of the fundamental rights policy within the organisation takes place; developing a regular dialogue with civil society organisations and relevant international organisations on fundamental rights issues; making compliance with fundamental rights a central component of the terms of reference of the collaboration of the agency concerned with external actors, including in particular members of national administrations with whom they interact at operational level;

Procurement

55. Notes with concern that the Court made 82 observations addressing areas for improvement in 29 agencies; notes that most observations concern shortcomings in public procurement procedures and that this was also the case in 2018; notes that these shortcomings mostly concern sound financial management and regularity; urges the agencies to implement recommendations and eliminate shortcomings; reiterates calls on the Commission to improve its efforts to implement clear and unified budgetary measures and procedures in agencies to tackle the identified issues recurring in a majority of the agencies;

56. Underlines the fact that public procurement continues to be the main area prone to error in relation to all Union decentralised agencies; calls therefore on the affected JHA agencies, i.e. Europol and CEPOL to improve their public procurement procedures with a view to ensuring full compliance with the applicable rules and as a result, to achieve the appropriate balance between the three pillars of sustainable development - economic, social and environmental, while respecting the principles of transparency, proportionality, equal treatment and non-discrimination and calls on eu-LISA to improve the recruitment procedure; recalls that public procurement is a milestone for achieving the 2030 Agenda for Sustainable Development and its Sustainable Development Goals;

57. Notes with concern that only one Union agency, the European Union Intellectual Property Office, publishes a sustainability report; calls on the agencies to introduce sustainability reporting, to align their reporting with the OECD work on Public Procurement and Responsible Business Conduct and the upcoming Union legislation on corporate due diligence, to strengthen their efforts in adopting digitalised operating solutions, and to ensure swift implementation of the European eco-management and audit scheme (EMAS) as recommended by the Court; calls on the agencies to pay due attention to the energy mix of its sources of electricity and encourages the procurement of electricity generated by renewable energy;

58. Welcomes the increased use of e-procurement tools by Union agencies; notes that the most common e-PRIOR modules used by agencies are e-tendering, e-submission and e-invoicing; calls on the Network of Procurement Officers (NAPO) to accelerate the provision of the Public Procurement Management Tool (PPMT) of JRC to agencies;

Prevention and management of conflicts of interests and transparency

59. Notes with concern that it remains the case that not all agencies have published on their websites the CVs and declarations of interest for members of the management boards, executive leadership and seconded experts; regrets the fact that some agencies still publish declarations of absence of conflicts of interests; highlights that it is not up to the board members or executives to declare themselves to have an absence of conflicts of interests; reiterates its calls for a unified model of declarations of interest to be implemented by all agencies; stresses the importance of reinforcing the existing rules, improving their implementation and encouraging the homogenisation to assess or deal with conflict of interest and revolving door situations throughout the institutions, agencies and other bodies of the Union; urges the Member States to ensure that all seconded experts publish their respective declarations of interest and CVs on the respective agency websites;

60. Calls for the whistleblower protection policies of all Union agencies to be brought into line with Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law;

61. Notes that the study 'Conflicts of Interests and EU Agencies', which was published in January 2020, concluded that transparency is the main principle that should underpin the agencies' policies so as to enable effective public scrutiny; acknowledges the differences in risk factors, size and external pressure among agencies and the need to adapt conflict of interest policies to those differences; notes the recommendations made in this study to improve conflict of interest rules and to achieve more coherence and consistency and urges the agencies to follow up on these recommendations and continually assess and improve their policies given the instances of assumed or perceived conflicts of interests which occurred in 2019;

62. Notes with concern that not all agencies report the meetings that the agencies' staff has with external stakeholders, in particular the management level's meetings with organisations and self-employed individuals; calls on the agencies to report and to make available the meetings on the agencies' website in order to enhance the transparency of their activities;

63. Calls on all agencies to participate in the interinstitutional agreement on the transparency register for interest representatives under negotiation between the Commission, the Council and Parliament;

64. Urges all JHA agencies to take measures to ensure full compliance with Union transparency rules as well as with fundamental rights and data protection standards; and calls upon them to comply with financial regulations and high management standards;

Internal controls

65. Acknowledges the Court's observation that, when using inter-institutional contracts, agencies remain responsible for the application of public procurement principles for their specific purchases, stresses that agencies' internal controls must ensure that these principles are respected;

66. Notes that at the end of 2019, most agencies reported that they had implemented the revised internal control framework and that they had performed an annual assessment; urges the adoption and implementation of the internal control framework by all agencies in order to align their internal controls with international best practice, and to make sure that internal controls effectively and efficiently support the decision-making process; deplores the fact that in 2019, in some agencies, there was no audit procedure conducted by the IAS;

67. Notes that in 2019, according to the Court's report concerning follow-up of previous years' observations, 98 observations were closed, 71 observations were still being implemented, and 16 observations were deemed to be not under the agencies' (sole) control, meaning that major decisions concerning these 16 observations need to be taken by the Court of Justice of the European Union, the Commission or the Member States; calls on the agencies to diligently implement the observations and further improve their internal control frameworks;

Other comments

68. Notes that, according to the Court's report, the agencies previously based in London (the European Banking Authority (EBA) and the European Medicines Agency (EMA)) were relocated from the United Kingdom in 2019 and that their accounts include provisions for the related removal costs; notes furthermore in the case of EMA that the Court referred to the agreement reached in July 2019 with its landlord to sublease its former office premises, under conditions that are consistent with the terms of the head lease while maintaining EMA's liability for the entire amount payable under the initial lease contract;

69. Points out that a complex approach is needed in order to make the Union agencies' home pages accessible to persons with all kind of disabilities as foreseen in Directive (EU) 2016/2102, including the availability of national sign languages; suggests that organisations representing disabled persons be involved in this process;

70. Notes that agencies reported that they were paying due attention to cybersecurity protection, with the most common measures in place being a service level agreement signed between the agency and the Directorate-General for Informatics of the European Commission (and its EU Computer Response Team / CERT-EU), and the use of ARES as an electronic document and records management system; further notes that the 77 % of agencies reported having a cybersecurity policy in place, while the remaining agencies reported being at various stages of development of such a policy;

71. Recalls that agencies were created for specific needs and that significant numbers of agencies were set up in response to certain crises; agrees with the Court's position in its report 'Future of EU Agencies' that the role of an agency needs to be reassessed at different stages of its operational period in order to verify whether an agency is still relevant and whether its actions are coherent with other agencies and their partner directorates-general;

72. Highlights the risks of using external IT consultants and outsourcing the management of budgetary or staffing-related exercises;

73. Believes that the set-up and the functioning of agencies should be flexible in order to help implement Union policy and to enhance European cooperation; acknowledges in this regard the Court's view in its report 'Future of EU Agencies' that there is insufficient flexibility in the set-up and operation of agencies and that the potential for them to cooperate for common policy objectives in the interest of citizens could be further exploited;

74. Recalls general lack of awareness among European citizens about the existence of the agencies, even within the country where the agencies are located, and also the fact that citizens receive little information about the benefits of the agencies; calls on the agencies in this regard to continue developing their communication strategies and to increase their media and social media presence in order to raise awareness about their work, research and activities among the general public;

75. Notes that the Court did not audit the 2019 accounts of the European Public Prosecutor's Office (EPPO), since that Union body was not yet financially autonomous;

76. Notes the inherent difficulty that the agencies face when required to submit their Single Programming Document while the relevant legal instruments are still under negotiation by the co-legislators, thereby leading to the unsatisfactory situation where budget lines are made available before their corresponding legal instruments are adopted; calls on the Commission to improve its communication with the agencies to better streamline the expected timelines for the adoption of legislation and corresponding budget lines; notes the Court's Recommendation that the Commission and the agencies should allocate resources in a more flexible manner while stressing the importance of due reporting, transparency and auditing;

77. Recalls that the European Labour Authority (ELA) was created in March 2018 and started its operation in October 2019; highlights the importance of making the ELA fully operational without undue delay in order to improve the application and enforcement of Union law relating to labour mobility and social security coordination so as to ensure fair mobility and the effective cross-border enforcement of workers' rights; stresses the need to ensure sufficient financial resources in this regard;

78. Points out that ELA will help ensure that Union rules on labour mobility and social security coordination are enforced effectively and fairly, will assist national authorities in cooperating to enforce these rules, and will make it easier for citizens and businesses to benefit from the internal market; is of the opinion that, although the four agencies (Eurofound, Cedefop, ETF and EU-OSHA) are predominantly research-centred, they could usefully support and contribute to the work of ELA;

79. Instructs its President to forward this resolution to the agencies subject to this discharge procedure, the Council, the Commission and the Court of Auditors, and to arrange for its publication in the *Official Journal of the European Union* (L series).